

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW 09/05

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8
IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF
CONTROLLING ACTIVITIES ON AND THE USE OF MUNICIPALLY-
OWNED RESERVE LANDS WITHIN HAMLETS IN THE M.D.

WHEREAS, pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS, pursuant to the aforesaid Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to the aforesaid Municipal Government Act, a municipality may authorize the maintenance and protection of reserve land, if the interests of the public will not be adversely affected;

AND WHEREAS the Municipal District of Bighorn No. 8 deems it proper and expedient to control activities on and the use of municipally-owned reserve lands within hamlets in the M.D.;

NOW THEREFORE the Municipal Council of the Corporation of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

This Bylaw may be cited as the “Hamlet Reserve Protection Bylaw”.

2. DEFINITIONS, INTERPRETATION AND APPLICATION

For the purposes of this Bylaw, the following terms, phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory. In this Bylaw, unless the context otherwise requires, the following definitions, interpretations and applications shall be used:

- (a) “Chief Administrative Officer” means the Chief Administrative Officer for the Municipal District of Bighorn No. 8 or his or her designate.
- (b) “Council” means the Council of the Municipal District of Bighorn No. 8;

- (c) "Hamlet" shall include the hamlets of Benchlands, Dead Man's Flats, Exshaw, Harvie Heights, and Lac Des Arcs, and the lands within the respective boundaries thereof.
- (d) "Motor Vehicle" means a vehicle propelled by any power other than muscular power;
- (e) "M.D." means the corporation of the Municipal District of Bighorn No. 8 or the area contained within the borders thereof;
- (f) "Off-highway Vehicle" shall be as defined in the Traffic Safety Act, being Chapter T-6, R.S.A. 2000 as may be amended from time to time, or any subsequent successor statute thereto;
- (g) "Reserve" shall mean a lot or parcel of land within the Municipality's Hamlets, including vegetation and improvements located therein, over which the Municipality exercises control; and as so as to not restrict the generality of the foregoing, includes:
 - [1] any land designated Community Reserve, Municipal Reserve, Municipal/School Reserve, Park Reserve, Environmental Reserve, or otherwise designated for use as a public park;
 - [2] any land placed under the jurisdiction of the Chief Administrative Officer or his designate; and
 - [3] joint use school grounds.
- (h) "Peace Officer" means a Special Constable duly appointed pursuant to the Police Act, R.S.A. 1988, c-P-12.01, and contracted by the Municipality;
- (i) "Violation Tag" means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.
- (j) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, , C. P-21.5, R.S.A. 1997 and amendments thereto, and regulations thereunder;

3. RESERVE USAGE PROVISIONS

- (a) No person within any Hamlet in the M.D. shall
 - (1) damage, destroy, cut down, or otherwise harm any tree, shrub or plant, whether such tree, shrub or plant is living or dead, on lands designated as Reserve;
 - (2) store personal items or vehicles on lands designated as Reserve;

- (3) operate any motor vehicle, including off-highway vehicles, on lands designated as Reserve;
- (4) remove deadfall for firewood from, or cut up deadfall for firewood on, lands designated as Reserve

without the express written permission of the M.D. or the Chief Administrative Officer.

- (b) No person shall discharge fireworks on any Reserve lands in any M.D. Hamlet.

4. PENALTIES

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A" attached to this Bylaw. Penalties specified in Schedule "A" are minimum penalties for the purposes of this Bylaw.
- (b) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a violation ticket, a violation tag, or a notice as provided by this Bylaw either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this Bylaw;
- (c) Notwithstanding Section 4(a).of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence will be liable to a fine of not less than the sum as set out in Schedule "A".
- (d) Under no circumstances will any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- (e) In addition to the penalty provided for under Schedule "A", the Court may order the person to comply with this Bylaw.
- (f) Upon production of a tag or notice issued pursuant to this Bylaw within ten (10) days from the issue thereof, together with payment of the penalty as specified, to the designated cashier of the Municipality, the person to whom the tag or notice was issued shall not be liable for prosecution for the contravention in respect of which the tag or notice was issued.
- (g) Notwithstanding the provisions of this Bylaw, a person to whom a tag or notice has been issued pursuant to this Bylaw may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

5. SUMMARY CONVICTION

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).
- (b) The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

6. VIOLATION TAGS

- (a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- (b) A Violation Tag may be issued to such person:
 - [1] by personal service on that person; or
 - [2] by mailing a copy of such person at the last known post office address or the address listed on the License form held by the Municipality.
- (c) A Violation Tag must be in a form approved by the Chief Administrative Officer and must state:
 - [1] the name of the person violating the Bylaw provisions;
 - [2] the offence;
 - [3] the appropriate penalty for the offence as specified in Schedule "A";
 - [4] that the penalty must be paid within 30 days of the issuance of the Violation Tag;
 - [5] any other information as may be required by the Chief Administrative Officer.
- (d) Where a contravention of this Bylaw is of a continuing nature, the Peace Officer may issue further Violation Tags, provided however, that no more than one Violation Tag must be issued for each day that the contravention continues.
- (e) Where a Violation Tag is issued, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the Violation Tag.
- (f) Nothing in this Bylaw must prevent a Peace Officer from immediately issuing a Violation Ticket.

7. VIOLATION TICKET

- (a) In those cases where a Violation Tag has been issued and the penalty specified on a Violation Tag has not been paid within the prescribed time, the Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 1988, C. P-21.5 as amended.
- (b) Notwithstanding Section 7(a) of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, SA 1988, C. P-21.5, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8. SEVERABILITY PROVISION

- (a) Should any provision of this Bylaw be invalid, then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.

9. EFFECTIVE DATE

- (a) This Bylaw shall come into force and take effect on the day of third and final reading thereof.

First Reading	June 14, 2005
Second Reading	Aug 9, 2005
Third Reading	Aug 9, 2005

REEVE

ACTING MUNICIPAL SECRETARY

**SCHEDULE "A"
BYLAW 09/05**

PENALTIES

THE PENALTIES LISTED BELOW FORM PART OF THE BYLAW AND MAY BE AMENDED BY RESOLUTION OF MUNICIPAL COUNCIL OF THE M.D. OF BIGHORN NO. 8.

PENALTIES IN DOLLARS

Specified Penalty

<u>Bylaw Section</u>	<u>Offence (Brief Description)</u>	<u>Amount</u>
ALL SECTIONS	VIOLATION OF HAMLET RESERVE PROTECTION BYLAW	\$250.00

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